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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA as CHAIRMAN and KEN
WALTERS as CO-CHAIRMAN of the BOARDS
OF TRUSTEES FOR THE OPERATING
ENGINEERS HEALTH AND WELFARE
TRUST FUND, PENSION FUND FOR
OPERATING ENGINEERS, PENSIONED
OPERATING ENGINEERS HEALTH AND
WELFARE FUND, OPERATING ENGINEERS
VACATION AND HOLIDAY TRUST FUND,
NORTHERN CALIFORNIA PREAPPRENTICE,
APPRENTICE AND JOURNEYMAN
AFFIRMATIVE ACTION TRAINING FUND,
OPERATING ENGINEERS CONTRACT
ADMINISTRATION FUND FOR NORTHERN
CALIFORNIA, OPERATING ENGINEERS
INDUSTRY STABILIZATION TRUST FUND
AND OPERATING ENGINEERS MARKET
PRESERVATION TRUST FUND,

Plaintiffs,

v.

NEVILLE STRUCTURES dba NEVILLE
BROTHERS, INC., a Business Entity; and
STEVE NEVILLE, an Individual,

Defendants.

Case No.: C-05-3410 CW

**PLAINTIFFS' STATEMENT RE
DEFENDANTS' DEFAULT IN LIEU OF
CASE MANAGEMENT CONFERENCE
STATEMENT AND ORDER**

DATE: April 28, 2006
TIME: 1:30 p.m.
COURTROOM: 2, 4th Floor (Oakland)
JUDGE: Hon. Wayne D. Brazil

Now come the plaintiffs, named above, and file this statement in lieu of the Case
Management Conference Statement.

Defendants have defaulted in this action, and have failed to cooperate in the preparation of a
Case Management Conference Statement or in any of the other preparatory activities required by

1 the court. Plaintiffs filed their Motion for Default Judgment and, on March 30, 2006, the Magistrate
2 Judge issued a Report and Recommendation re Motion for Default Judgment along with a
3 [Proposed] Order. The report and proposed order were then served upon defendants Neville
4 Structures dba Neville Bros., Inc., and Steve Neville, on March 30, 2006.

5 Inasmuch as the Court should soon issue an order on the Report and Recommendation and,
6 if the recommendation is adopted, a Judgment, plaintiffs request that the Case Management
7 Conference either be taken off calendar or continued for 60 days pending an order on the Report
8 and Recommendation.

9
10 DATED: April 11, 2006

STANTON, KAY & WATSON, LLP

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12 By: /s/ Anne Bevington
13 ANNE BEVINGTON
14 Attorneys for Plaintiffs

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16 **CASE MANAGEMENT ORDER**

17 The Case Management Conference previously set for April 28, 2006, at 1:30 p.m., is hereby:

18 [] Taken off calendar.

19 May 19, 2006

1:30 p.m.

20 [X] Continued to _____, at the hour of _____,

21 in Courtroom 2, 4th Floor (Oakland).

22 4/18/06
23 DATED: _____

/s/ CLAUDIA WILKEN

24 HON. CLAUDIA WILKEN
25 UNITED STATES DISTRICT JUDGE
26

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